

SENATE JOURNAL

Sixtieth Legislature—Regular Session

AUSTIN, TEXAS, TUESDAY, JANUARY 10, 1967

PROCEEDINGS

FIRST DAY

(Tuesday, January 10, 1967)

In accordance with the Constitution and Laws of the State of Texas, the Senate of the Sixtieth Legislature met in the Senate Chamber of the State Capitol on Tuesday, the tenth day of January, 1967, at 12:00 o'clock m.

The President of the Fifty-ninth Legislature called the Senate to order.

The President presented Dr. William C. Howland, pastor of the University Christian Church of Austin, to the Members of the Senate and invited them to participate in the special worship service at 10:50 o'clock a.m. on Sunday, January 15, 1967.

Dr. Howland then delivered the invocation.

Appointment of Temporary Officers

The President announced the appointment of the following as temporary officers of the Senate:

Secretary—Charles A. Schnabel.
Sergeant-at-Arms—Jeff Davis.
Journal Clerk—Minnie Meier.
Calendar Clerk—Arline Morse.
Doorkeeper—Charles Jones.
Parliamentarian—Mary Jo Carroll.

Roll Call of Senators-Elect

The President directed the Secretary of the Senate to call the roll of the Senators-elect; the credentials of election had previously been received from the Secretary of State.

The roll was called and the following Senators-elect answered to their names:

The Honorable A. M. Aikin, Jr., to represent the First Senatorial Dis-

trict, composed of: Bowie, Camp, Cass, Delta, Fannin, Franklin, Harrison, Hopkins, Lamar, Marion, Morris, Red River and Titus Counties.

The Honorable Joe J. Bernal to represent the Twenty-sixth Senatorial District, composed of: Bexar County (part).

The Honorable V. E. (Red) Berry to represent the Nineteenth Senatorial District, composed of: Bexar County (Northeast part).

The Honorable H. J. (Doc) Blanchard to represent the Twenty-eighth Senatorial District, composed of: Andrews, Cochran, Crosby, Dawson, Gaines, Hockley, Lubbock, Lynn, Martin, Terry, Ward, Winkler and Yoakum Counties.

The Honorable Chet Brooks to represent the Seventh Senatorial District, composed of: Harris County (Southeast part).

The Honorable Joe Christie to represent the Twenty-ninth Senatorial District, composed of: Culberson, El Paso and Hudspeth Counties.

The Honorable Criss Cole to represent the Sixth Senatorial District, composed of: Harris County (North part).

The Honorable Wayne W. Connally to represent the Twenty-first Senatorial District, composed of: Atascosa, Bee, Brooks, Dimmit, Duval, Frio, Goliad, Jim Hogg, Jim Wells, Karnes, LaSalle, Live Oak, Maverick, McMullen, Medina, Refugio, Starr, Webb, Wilson, Zapata and Zavala Counties, and part of Bexar County.

The Honorable Tom Creighton to represent the Twenty-second Senatorial District, composed of: Clay, Eastland, Jack, Montague, Palo Pinto, Parker, Stephens and Wise Counties, and part of Tarrant County.

The Honorable Henry C. "Hank" Grover to represent the Fifteenth Senatorial District, composed of: Harris County (Southwest part).

The Honorable Ralph Hall to represent the Ninth Senatorial District, composed of: Collin, Cooke, Denton, Grayson, Hunt, Kaufman, Rains and Rockwall Counties, and part of Dallas County.

The Honorable Dorsey B. Harde- man to represent the Twenty-fifth Senatorial District, composed of: Brewster, Crane, Crockett, Ector, Edwards, Irion, Jeff Davis, Kinney, Loving, Midland, Pecos, Presidio, Reagan, Reeves, Schleicher, Sutton, Terrell, Tom Green, Upton, Uvalde and Val Verde Counties.

The Honorable D. Roy Harrington to represent the Fourth Senatorial District, composed of: Jefferson and Orange Counties.

The Honorable Grady Hazlewood to represent the Thirty-first Senatorial District, composed of: Armstrong, Carson, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hart- ley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman and Wheeler Counties.

The Honorable Charles Herring to represent the Fourteenth Senatorial District, composed of: Bastrop, Blan- co, Caldwell, Hays, Travis and Wil- liamson Counties.

The Honorable Jack Hightower to represent the Thirtieth Senatorial District, composed of: Archer, Bailey, Baylor, Briscoe, Castro, Childress, Cottle, Dickens, Floyd, Foard, Hale, Hall, Hardeman, King, Knox, Lamb, Motley, Parmer, Swisher, Wichita and Wilbarger Counties.

The Honorable Barbara Jordan to represent the Eleventh Senatorial Dis- trict, composed of: Harris County (Northeast part).

The Honorable Don Kennard to rep- resent the Tenth Senatorial District, composed of: Tarrant County (North part).

The Honorable Oscar H. Mauzy to represent the Twenty-third Senatorial District, composed of: Dallas County (South part).

The Honorable William T. "Bill" Moore to represent the Fifth Sena- torial District, composed of: Brazos, Burleson, Chambers, Fayette, Free- stone, Grimes, Houston, Lee, Leon, Liberty, Madison, Montgomery, Rob- ertson, San Jacinto, Trinity, Walker and Waller Counties.

The Honorable George Parkhouse to represent the Eighth Senatorial District, composed of: Dallas County (North central part).

The Honorable William N. "Bill" Patman to represent the Eighteenth Senatorial District, composed of: Ar- ansas, Austin, Calhoun, Colorado, DeWitt, Gonzales, Guadalupe, Jack- son, Lavaca, Matagorda, San Patricio, Victoria, Washington and Wharton Counties.

The Honorable David Ratliff to rep- resent the Twenty-fourth Senatorial District, composed of: Borden, Calla- han, Coke, Coleman, Fisher, Garza, Glasscock, Haskell, Howard, Jones, Kent, Mitchell, Nolan, Runnels, Scur- ry, Shackelford, Sterling, Stonewall, Taylor, Throckmorton and Young Counties.

The Honorable Bruce A. Reagan to represent the Twentieth Senatorial District, composed of: Kenedy, Kle- berg, Nueces and Willacy Counties, and part of Cameron County.

The Honorable A. R. Schwartz to represent the Seventeenth Senatorial District, composed of: Brazoria, Fort Bend and Galveston Counties, and part of Harris County (Southeast part).

The Honorable Jack Strong to rep- resent the Second Senatorial District, composed of: Gregg, Panola, Rusk, Shelby, Smith, Upshur, Van Zandt and Wood Counties.

The Honorable Jim Wade to repre- sent the Sixteenth Senatorial District, composed of: Dallas County (North- east part).

The Honorable Murray Watson, Jr., to represent the Thirteenth Senatorial District, composed of: Bell, Falls, Limestone, McLennan and Milam Counties.

The Honorable Charles Wilson to represent the Third Senatorial Dis- trict, composed of: Anderson, Ange- lina, Cherokee, Hardin, Henderson, Jasper, Nacogdoches, Navarro, New-

ton, Polk, Sabine, San Augustine and Tyler Counties.

The Honorable J. P. Word to represent the Twelfth Senatorial District, composed of: Bandera, Bosque, Brown, Burnet, Comal, Comanche, Concho, Coryell, Ellis, Erath, Gillespie, Hamilton, Hill, Hood, Johnson, Kendall, Kerr, Kimble, Lampasas, Llano, McCulloch, Mason, Menard, Mills, Real, San Saba and Somervell Counties.

Leave of Absence

Senator Bates was granted leave of absence for today on account of a death in the family on motion of Senator Hardeman.

The President requested the Senators-elect to proceed to the Bar of the Senate and he administered the Constitutional Oath of Office to the Senators-elect.

The President then directed the Secretary of the Senate to call the roll of the Senators.

The roll was called and the following Senators answered the roll:

Aikin	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Parkhouse
Cole	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Bates

Oath of Office of Senator Bates

The President laid before the Senate and the Secretary read the following Oath of Office taken by Senator Bates:

I, James S. Bates, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of State Senator of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the

United States and of this State; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contribute, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected. So help me God.

JAMES S. BATES

Sworn to and Subscribed before me this 10th day of January, 1967.

SYBIL DICKINSON

Notary Public, Travis County, Texas.
(Seal)

Motion in Writing

Senator Aikin submitted the following Motion in Writing:

Mr. President: I move that the President be authorized to appoint a committee of five (5) Members to notify the Governor that the Senate is organized and ready for business.

The motion was read and was adopted.

Pursuant to the above motion, the following Committee was appointed:

Senators Strong, Mauzy, Creighton, Herring and Patman.

Motion in Writing

Senator Aikin submitted the following Motion in Writing:

Mr. President: I move that the President be authorized to appoint a committee of five (5) Members to notify the House that the Senate is organized and ready for business.

The motion was read and was adopted.

Pursuant to the above motion, the following Committee was appointed:

Senators Harrington, Jordan, Schwartz, Hazlewood and Watson.

Senate Resolution 1

(Caucus Report)

Senator Aikin offered the following resolution:

Austin, Texas,
January 10, 1967.

Honorable Preston Smith, Lieutenant Governor, Senate of Texas.

Sir: At a caucus held in the office of the Senate attended by 29 Members of the Senate, the following recommendations were made, to wit:

The following officers were elected to serve for the 60th Legislature at the will of the Senate, and at the salaries set opposite their names:

Secretary of the Senate, Charles Schnabel, \$1,050 per month.

Two Assistant Secretaries of the Senate, which shall be appointed by the Secretary of the Senate, \$16.00 per day.

Journal Clerk, Minnie Meier, \$22.00 per day; Assistant Journal Clerk, \$16.00 per day.

Sergeant-at-Arms, for the duration of the Regular Session, Jeff Davis, \$700.00 per month.

Doorkeeper, Charles Jones, \$17.00 per day.

Chaplain, Rev. W. H. Townsend, \$14.00 per day.

Calendar Clerk, Arline Morse, \$19.50 per day.

Engrossing and Enrolling Clerk, Essie McGinnis, \$22.00 per day.

Mailing Clerk, Mrs. John Draper, \$20.00 per day.

Parliamentarian, named by the Lieutenant Governor, Mary Jo Carroll, \$30.00 per day.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name one secretary, the secretary of the Lieutenant Governor to receive \$25 per day and the secretary of the Secretary of the Senate to receive \$16.00 per day. The salaries of other employees of the Senate may be supplemented at the discretion of the Contingent Expenses Committee. All officers and employees elected by this caucus shall hold their office or employment for the duration of the Regular Session of the 60th Legislature.

It is further recommended that each Senator shall be permitted to employ a secretary and other office help at a maximum payroll of \$85.00 per day for each such Senator's

secretary and employees with the maximum of \$18.00 per day for any such secretary or other office employee not to exceed \$16.00 per day. The names of such employees as are not employed directly in a Senator's office shall be referred to an assignment committee hereinafter provided for and such committee shall be authorized to select employees from such list. Salaries of other employees, unless otherwise fixed by the Senator, shall be \$12.00 per day.

It is further recommended that the Lieutenant Governor be authorized to name a committee of five, such committee shall be designated as an Assignment Committee for the purpose of assigning employees as herein authorized and the committee be authorized to select sufficient additional employees to be assigned by it when and where needed.

It is further recommended that the employees and the porters who were selected to prepare the Senate Chamber in advance of the meeting be allowed pay for their services.

It is further recommended that the several appointments of employees heretofore made by the Lieutenant Governor and announced in the Senate and considered by the caucus are confirmed.

The salaries of the day and night elevator operators shall be \$— per day each, and the salaries of the porters shall be \$10.00 per day each, except the head porter whose salary shall be \$15.00 per day and an assistant head porter at \$13.00 per day and the porter carrying the mail shall receive \$— per day, and the salaries of the pages shall be \$7.50 per day, and the salaries of the messengers shall be \$5.50 per day.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than

general information furnished the public pertaining to the Senate, and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, Members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at eight o' clock a.m., and one o' clock p.m., each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate, be allowed the stationery and postage needed by them, respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that 1700 Journals be printed, all of which shall be prorated among the Senators and Lieutenant Governor, except that 175 Journals shall be furnished the Members of the House.

It is further recommended that the State Library be furnished 75 copies of the daily Journals.

It is further recommended that the Senate request the State Comptroller of Public Accounts, to issue general revenue warrants for pay of the Members and employees of the Senate upon presentation of the payroll account signed by the Presiding Officer and the Secretary of the Senate.

It is further recommended that each Senator, the Lieutenant Governor, the Secretary of the Senate, the Librarian be permitted to subscribe for 4 newspapers to be paid out of the contingent fund.

The elected officers of the Senate may select, subject to the approval of the Contingent Expense Committee, employees to fill such key positions as may be authorized by said committee.

It is further recommended that the President of the Senate has exclusive appointment of a sufficient number of custodians, messengers, pages, elevator operators, porters and other employees as in his judgment may be necessary.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee.

It is further recommended that the private rooms allotted to the Senators by the method as adopted by the caucus be assigned to Senators and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the Chairman of the Assignment Committee aforesaid the names of the employees selected, together with his or her post office address.

Be it further resolved, That no employee of the Senate except those whose official duties require them to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, which, when performed, he shall immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have the privileges of the floor during the sessions of the Senate shall be permitted on the Senate floor for a period of thirty minutes prior to the time the Senate convenes. The Sergeant-at-Arms is instructed to enforce this rule and to

permit only those having the privileges of the floor to enter or remain on the Senate floor during such thirty minute period.

Respectfully submitted,

AIKIN

Chairman of the Caucus

HERRING

Secretary of the Caucus

The resolution was read.

On motion of Senator Aikin, and by unanimous consent, the reading of the resolution was dispensed with and he explained the resolution.

The resolution was then adopted.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the adoption of the above resolution.

Senate Resolution 2

Senator Hardeman offered the following resolution:

RESOLVED, By the Senate of Texas, that the presiding officer be authorized to appoint a committee of three Members to be known as the "Friendship Committee" to arrange and assign parking space on the Capitol grounds for the Members and such elective officers of the Senate as it may determine.

The resolution was read and adopted.

Pursuant to the above resolution, the following Committee was appointed:

Senators Hardeman, Parkhouse, and Ratliff.

Senate Resolution 3

Senator Hardeman offered the following resolution:

BE IT RESOLVED by the Senate of Texas, that the following rules of conduct and practices shall be observed by and in the Senate during its sessions:

1. Introduction of classes and groups shall not be permitted. Distinguished visitors may be introduced, at appropriate times, only with the express permission of the President or Presiding Officer or by resolutions duly adopted.

2. Sitting in windows or on cooling and heating equipment by any personnel shall not be permitted.

3. Smoking on the Senate floor by officers and employees of the Senate shall not be permitted.

4. Secretaries, administrative assistants and employees of individual Senators and the President, and officers, and employees of the Senate, shall be permitted on the floor only for the transaction of official business and shall retire therefrom upon the completion of such business.

5. Only those persons entitled to the privileges of the floor, under the rules of the Senate, shall be permitted thereon.

The resolution was read and was adopted.

Senate Concurrent Resolution 1

Senator Aikin offered the following resolution:

S. C. R. No. 1, Providing Committees to Canvass Votes and to provide for the inauguration of the Governor and Lieutenant Governor.

BE IT RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That a joint committee composed of five (5) Members of the Senate and five (5) Members of the House shall be appointed by the presiding officer of the respective houses to arrange for the canvass of the votes cast for Governor and Lieutenant Governor at the general election held on the first Tuesday in November, 1966, and that a joint session of the Senate and House be held in the Hall of the House of Representatives at 11:00 o'clock a.m. on Monday, January 16, 1967, for the purpose of counting said votes and receiving the report, and hearing the declaration of the results of the canvass.

Be it further resolved, That a joint committee composed of five (5) Members of the Senate and five (5) Members of the House of Representatives also be appointed by the presiding officers of the respective houses to arrange for the inauguration of the Governor-elect and the Lieutenant Governor-elect as determined by the canvass of the votes.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

Governor Notified

The Committee to Notify the Governor that the Senate was organized appeared at the Bar of the Senate and Senator Strong for the Committee reported to the President and the Members of the Senate that the Committee had performed the duty assigned and the Committee was discharged.

House Notified

The Committee to Notify the House that the Senate was organized appeared at the Bar of the Senate, and Senator Hazlewood for the Committee reported to the President and the Members of the Senate that the Committee had performed the duty assigned it and the Committee was discharged.

Senate Resolution 4

Senator Aikin offered the following resolution:

Whereas, Under the provisions of Section 3 of Article III of the Constitution of the State of Texas, the Senators elected after each new apportionment shall be divided into two classes, the seats of the Senators of the first class to be vacated at the expiration of the first two years, and the seats of those of the second class to be vacated at the expiration of four years; therefore, be it

RESOLVED, By the Senate of Texas, as follows:

(1) That the Lieutenant Governor appoint a committee of five (5) Senators to supervise and direct all matters relating to the preparation of the slips, envelopes and the drawing of same as hereinafter set forth;

(2) That the Secretary of the Senate under the supervision of said Committee in the presence of the Senate at an open session of the Senate to be held at 10:00 o'clock a.m. on Wednesday, January 11, 1967, prepare thirty-one (31) slips of paper of uniform size and appearance and that he, with pen and ink, write upon each of said slips of paper, a number between the numbers "1" and "31" both inclusive, the number "1" to be written upon the first slip of paper, and the number "2" to be written upon the second slip of paper, and so on until a different number has been accordingly written on each of said slips of paper, that he

then place each of said slips of paper in a separate capsule, each of said capsules to be of uniform size and appearance, that he then place each of said capsules in a separate envelope and seal the same, each of said envelopes to be of uniform size and appearance, and that said thirty-one (31) envelopes and each of them containing said capsules and slips of paper be then placed in some suitable receptacle;

(3) That at 10:10 o'clock a.m. on the 11th day of January, 1967, in open session of the Senate the drawing of said envelopes be conducted under the supervision of said committee in the manner as hereinafter set forth:

a. Said receptacle containing said sealed envelopes shall be placed upon a suitable table or desk at the front of the Senate Chamber.

b. The Secretary of the Senate shall call the names of the Senators in alphabetical order and as the name of each such Senator is called he shall withdraw from said receptacle one envelope, which shall then be immediately opened and the number appearing on the slip of paper therein shall be written after the Senator's name drawing same, on a suitable register to be prepared by the Secretary of the Senate.

(4) That the fifteen (15) Senators drawing slips with any of the even numbers "2"- "4"- "6"- "8"- "10"- "12"- "14"- "16"- "18"- "20"- "22"- "24"- "26"- "28"- "30" thereon shall be of the first class and their term of office shall terminate at the expiration of two (2) years, or one-half of the four (4) year constitutional term, and that the sixteen (16) Senators drawing slips with any of the odd numbers "1"- "3"- "5"- "7"- "9"- "11"- "13"- "15"- "17"- "19"- "21"- "23"- "25"- "27"- "29"- "31" thereon shall be of the second class, and their term of office shall terminate at the expiration of four (4) years.

(5) That any Senator who is unable to attend said drawing shall, in writing, appoint and designate some other Senator to draw an envelope in the place of such absent Senator. In the event any Member of the Senate is absent and he has failed to appoint and designate some member of the Senate to act for him in said drawing, then the Secretary of the Senate shall draw an envelope for such absent Senator.

The resolution was read and was adopted.

Pursuant to the provisions of the above resolution the following Committee was appointed:

Senators Aikin, Hazlewood, Harde-
man, Moore and Parkhouse.

Senate Resolution 5

Senator Aikin offered the follow-
ing resolution:

RESOLVED, That the permanent rules of the Senate of the 59th Legis-
lature as adopted by the Senate on
January 12, 1965, and as published in
the supplement of the Manual of the
59th Legislature and as amended by
the 59th Legislature, be adopted as
the permanent rules of the Senate of
the 60th Legislature.

The resolution was read.

Senator Schwartz offered the fol-
lowing amendment to the resolution:

Amend S. R. No. 5 by adding the
following sentence: "delete Rule 87 of
the rules of the Senate of the 59th
Legislature and re-number the rules
which follow."

The amendment was read.

Question on adoption of the amend-
ment, Yeas and Nays were demanded.

The amendment failed of adoption
by the following vote:

Yeas—12

Bernal	Jordan
Berry	Kennard
Brooks	Mauzy
Cole	Patman
Hall	Schwartz
Harrington	Wilson

Nays—18

Aikin	Hightower
Blanchard	Moore
Christie	Parkhouse
Connally	Ratliff
Creighton	Reagan
Grover	Strong
Hardeman	Wade
Hazlewood	Watson
Herring	Word

Absent—Excused

Bates

Senator Schwartz offered the fol-
lowing amendment to the resolution:

Amend S. R. No. 5 by adding the
following sentence: "delete Rule 90
of the rules of the Senate of the 59th
Legislature and re-number the rules
which follow."

The amendment was read.

Question on adoption of the amend-
ment, Yeas and Nays were demanded.

The amendment failed of adoption
by the following vote:

Yeas—12

Bernal	Jordan
Berry	Kennard
Brooks	Mauzy
Cole	Patman
Hall	Schwartz
Harrington	Wilson

Nays—18

Aikin	Hightower
Blanchard	Moore
Christie	Parkhouse
Connally	Ratliff
Creighton	Reagan
Grover	Strong
Hardeman	Wade
Hazlewood	Watson
Herring	Word

Absent—Excused

Bates

Senator Schwartz offered the fol-
lowing amendment to the resolution:

Amend S. R. No. 5 by adding the
following sentence as a new rule to
follow the last rule of the Senate in
the Senate Rules and properly num-
ber same: "No member of the Sen-
ate shall be prohibited from reveal-
ing to his constituency any of his
views on any matter, or his vote on
any matter, pending or having been
decided by the Senate."

The amendment was read.

Question on adoption of the amend-
ment, Yeas and Nays were demanded.

The amendment failed of adoption
by the following vote:

Yeas—11

Bernal	Hall
Brooks	Harrington
Cole	Jordan

Kennard
Mauzy
Patman

Schwartz
Wilson

Nays—19

Aikin	Hightower
Berry	Moore
Blanchard	Parkhouse
Christie	Ratliff
Connally	Reagan
Creighton	Strong
Grover	Wade
Hardeman	Watson
Hazlewood	Word
Herring	

Absent—Excused

Bates

Senator Strong offered the following amendment to the resolution:

Amend Rule 71, Section (a), subsection (5) by deleting the period at the end thereof and adding thereto the following: "except the joint rules of the Senate and House shall be adopted by a majority of the Members of the Senate present and the joint rules shall take precedence over these Senate Rules in the event of conflict."

The amendment was read.

Question—Shall the amendment by Senator Strong to S. R. No. 5 be adopted?

On motion of Senator Strong and by unanimous consent the pending amendment was withdrawn.

Senator Strong offered the following amendment to the resolution:

Amend Rule 71, Section (a), subsection (5) by deleting the period at the end of the sentence and inserting the following: "except the proposed Joint Rules of the Senate and House may be amended by a majority of the Senators present prior to the final adoption of the Joint Rules by the Senate."

The amendment was read and failed of adoption by the following vote:

Yeas—13

Bernal	Jordan
Blanchard	Kennard
Brooks	Mauzy
Connally	Schwartz
Hall	Strong
Harrington	Wilson
Hazlewood	

Nays—17

Aikin	Moore
Berry	Parkhouse
Christie	Patman
Cole	Ratliff
Creighton	Reagan
Grover	Wade
Hardeman	Watson
Herring	Word
Hightower	

Absent—Excused

Bates

Question on adoption of the resolution, the resolution was adopted by the following vote:

Yeas—25

Aikin	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Strong
Grover	Wade
Hall	Watson
Hardeman	Word
Hazlewood	

Nays—5

Harrington	Schwartz
Kennard	Wilson
Mauzy	

Absent—Excused

Bates

Point of Order

Senator Schwartz raised a point of order requesting a ruling upon the number of votes required to amend the resolution offered by Senator Aikin proposing adoption of the Senate Rules of the Fifty-Ninth Legislature as the Senate Rules of the Sixtieth Legislature.

The President ruled that a two-thirds vote of the Members present would be required. In response to a request for the basis of the ruling, the President referred to Rule 71(a) (5) of the previous Senate Rules and further ruled that, in the absence of any rules, the precedents of the Senate of the State of Texas would control. The Journals of the Senate, required to be kept by the Constitution of the State of Texas, Article III, Section 12, reflect that adoption or amendment of rules has been accom-

lished in the past only by record vote. The traditional use of record vote in such circumstances establishes that the Senate precedent is a requirement of a two-thirds vote to adopt or amend any Senate Rule or Rules.

Reason for Vote

Rule 71(a)(5) referred to by the Chair in ruling that a two-thirds vote of the members present would be required for adoption of the pending amendment to Senate Resolution 5, is as follows:

"(a) A vote of two-thirds of all Members present shall be required:

"(5) And to suspend, repeal, or amend any rule of the Senate."

Pending the adoption of Senate Resolution 5, which was a motion to adopt the Rules of the 59th Legislative Session as the Rules of the 60th Legislative Session, there were no Senate Rules to amend. The issue before the Senate was whether or not to adopt a set of rules proposed. This issue was presented by a Simple Resolution and the amendment must be considered as a proposed amendment to a Resolution, rather than an amendment to the Rules. In this connection, it should be noted that a Constitutional Amendment requires twenty-one votes for passage, but a floor amendment to a pending Constitutional Amendment is always adopted or rejected by a majority vote. This analogy must certainly apply to the situation at hand where there is no specific rule or parliamentary rule requiring a two-thirds vote to adopt Rules or to amend a pending Resolution to adopt Rules.

If procedure announced today is to be logically followed, it would require any amendment to any bill or resolution requiring a two-thirds vote to be carried by a two-thirds vote. This is clearly not the case as applied to proposed Constitutional Amendments and other bills and resolutions which might require a two-thirds vote for final passage.

Respectfully submitted,
SCHWARTZ

Oath of Office Administered to Officers

The President directed the officers of the Senate named in the Caucus

Report to proceed to the Bar of the Senate. The President then administered the Constitutional Oath of Office to the officers.

At Ease

The President announced at 1:06 o'clock p.m. that the Senate would stand At Ease subject to the Call of the Chair.

In Legislative Session

The President called the Senate to order as In Legislative Session at 1:10 o'clock p.m.

Election of President Pro Tempore

The President announced the election of the President Pro Tempore for the Regular Session of the Sixtieth Legislature as the next order of business.

Senator Herring nominated the Honorable William N. (Bill) Patman of Ganado to be President Pro Tempore.

Senators Creighton, Hall, Connally, Schwartz, Aikin, Strong, and Harrington seconded the nomination of Senator Patman for President Pro Tempore for the Regular Session of the Sixtieth Legislature.

Senators Word and Christie were appointed as tellers to take up and count the ballots.

The ballots were taken up and counted and the result was announced as follows:

Senator Patman received 29 votes with 1 present not voting.

The President declared that the Honorable William N. (Bill) Patman had been duly elected President Pro Tempore of the Sixtieth Legislature and Senators Herring, Creighton, Hall, Connally and Strong were appointed to escort Senator Patman and his wife and daughter to the President's Rostrum.

The President presented Mrs. Patman, and Mrs. Patman addressed the Senate and presented to Senator Patman a gavel used by her father, former Senator Fred Mauritz when he served as President Pro Tempore of the Senate.

The President then administered the Constitutional Oath of Office to

Senator Patman as President Pro Tempore for the Regular Session of the Sixtieth Legislature and presented him to the Members of the Senate.

President Pro Tempore Patman addressed the Senate expressing appreciation for the kind words said about him and the Patman and Mauritz families. He further stated that he was grateful for the acts of friendship and stated he would do his best to carry on to the best of his ability the works of Senator Mauritz and his father, the Honorable Wright Patman, Member of Congress.

Temporary Assignment Committee

The President announced the appointment of the following as a Temporary Assignment Committee:

Senators Hightower, Aikin, Hall, Ratliff and Word.

Senate Resolution 6

Senator Hardeman offered the following resolution:

Whereas, It is noted, with regret, that Honorable John Ben Shepperd, of Odessa, Texas, has resigned after six years' membership on, and following four years as President of, the Texas Historical Survey Committee, in which capacities he served with distinction, to become the first Chairman of the Texas Fine Arts Commission; and

Whereas, During his tenure on the Texas Historical Survey Committee and under his dynamic and forceful leadership, he awakened among our citizens a consciousness and appreciation of the priceless heritages which belong to, and are a part of, the warp and woof of Texas and Texans, theretofore largely unknown. Under his able direction, the designation and preservation of historical sites and shrines were inaugurated, through the "RAMPS" programme, resulting in the erection of more than 4,200 markers throughout our vast domain and in the preservation and restoration, in varying degrees, of some 950 historical structures, for the benefit, education and enjoyment of our citizens, as well as for visitors who may come our way. Tomorrow's Texans thus will be able to "drink at many of the refreshing springs of their State's history and

heritages." Mr. Shepperd spear-headed the observance of the Centennial of the War Between the States and accumulated and compiled invaluable archival materials for the use of scholars, historians and researchers to more accurately determine and portray Texas' role in this vital conflict; and

Whereas, The distinguished former Secretary of State and former Attorney General of Texas long has been active in promoting and contributing of his time, his talents and his money to various civic and patriotic enterprises in our State, in an official capacity, as well as a private citizen, in which latter capacity Mr. Shepperd has served his city as President of its Chamber of Commerce, as President of the Texas Historical Survey Committee and his region as President of the West Texas Chamber of Commerce. In each of these positions, together with his work on numerous committees, he instituted and directed many programmes designed to effectuate the purposes of the respective organizations and committees for the lasting benefits of his community, the West Texas area and the entire State of Texas; and

Whereas, Throughout his public service he has been ably aided and supported by his sympathetic and understanding helpmate—"Miss Mamie" as she is familiarly known—who, in her own right, has contributed greatly to the civic and cultural development of her city, her State and her country; now, therefore, be it

Resolved, By the Senate of the State of Texas, that it does hereby express its appreciation of and for the fine, unselfish public service and contributions of the Honorable and Mrs. John Ben Shepperd toward and on behalf of the development and preservation of the many heritages that are ours to enjoy, as well as for future generations to appreciate; that copies of this Resolution, under the Seal of the Senate, be forwarded to Mr. and Mrs. John Ben Shepperd, to the Odessa Chamber of Commerce, to the West Texas Chamber of Commerce, to the Texas Historical Survey Committee and the Texas Fine Arts Commission, by the Secretary of the Senate, and that this Resolution be printed in the Senate Journal.

HARDEMAN

Signed—Lieutenant Governor Preston Smith, Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Kennard and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Presentation of Guests

Senator Bernal by unanimous consent presented distinguished guests from Mathis to the Members of the Senate.

Commending the Pictures in Senate

Senator Hardeman was recognized and he called the Members' attention to the pictures in the Senate, including the lighting of the Battle of San Jacinto and The Fall of the Alamo. He expressed appreciation to Dr. David Nancarrow of the University of Texas for his assistance in this work.

Presentation of Guests

Senator Harrington by unanimous consent presented guests from his District visiting in the Senate today to the Members of the Senate.

Welcome and Congratulatory Resolutions

S. R. No. 7—By Senator Hardeman: Congratulating Sonora and San Angelo High School football teams.

S. R. No. 8—By Senator Harrington: Extending welcome to Mr. and Mrs. Jerry Hanks of Nederland.

Adjournment

On motion of Senator Blanchard the Senate at 1:55 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

SECOND DAY

(Wednesday, January 11, 1967)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Parkhouse
Cole	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Schwartz
Hall	Strong
Hardeman	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Absent—Excused

Bates

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Bates was granted leave of absence for today on account of a death in the family on motion of Senator Blanchard.

Presentation of Guests

Senator Reagan by unanimous consent presented students from the W. B. Ray High School of Corpus Christi to the Members of the Senate.

At Ease

The President announced at 10:15 o'clock a.m. that the Senate would stand At Ease subject to the Call of the Chair.

In Legislative Session

The President called the Senate to order as in Legislative Session at 10:19 o'clock a.m.

Drawing for Terms of Office

The President at 10:19 o'clock a.m. announced that the time had arrived for the drawing for terms of office by the Senators pursuant to the provisions of S. R. No. 4.